



Attorney Docket No. 0756-7214

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shunpei YAMAZAKI et al.

Serial No. 10/694,803

Filed: October 29, 2003

For: SEMICONDUCTOR DEVICE AND
MANUFACTURING METHOD
THEREOF

) Group Art Unit: 2823

) Examiner: T. Dang

) CERTIFICATE OF MAILING

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) Alexandria, VA 22313-1450, on August 7,
) 2006.

) Adrian M. Stamper

RESPONSE

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Official Action mailed May 5, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on October 29, 2003; March 1, 2004; June 23, 2005; and January 5, 2006.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 6-38 are pending in the present application, of which claims 6-8 and 27 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 6-38 as obvious based on the combination of U.S. Patent Application Publication No. 2003/0032210 to Takayama and U.S. Patent Application Publication No. 2004/0087110 to Takayama. However,

Takayama '110 is not available as prior art against the present application. Please note, on September 8, 2005, the Applicant filed a Verified English Translation of the priority document, JP 2002-316397, which was filed October 30, 2002. Takayama '110 was filed in the U.S. on July 15, 2003, and published on May 6, 2004. As such, Takayama '110 is not available as prior art under any provision of § 102.

The Official Action provisionally rejects claims 6-34 under the doctrine of obviousness-type double patenting over the combination of claim 17 of copending Application Serial No. 10/193,912, which published as Takayama '210, Takayama '110 and U.S. Patent No. 6,372,608 to Shimoda. As noted above, Takayama '110 is not available as prior art; therefore, the rejection should be reconsidered and withdrawn.

The Applicant will respond to the provisional obviousness-type double patenting as if it were based on the combination of claim 17 of the '912 application and Shimoda.

As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the patent principally underlying the double patenting rejection is not considered prior art.

The Applicant respectfully traverses the obviousness-type double patenting rejection. The Official Action asserts that "the metal oxide layer is inherently formed at the interface between the metal layer and the oxide layer when the laminated structure is irradiated with a laser beam or when the oxide layer is formed on the metal layer" (page 7, Paper No. 050106). The Applicant respectfully disagrees and traverses the above-referenced assertions in the Official Action.

Claims 6-38 recite oxidizing a metal layer to form a metal oxide layer between the metal layer and an oxide layer after bonding a support to a layer to be peeled, and that oxidizing the metal layer is conducted with irradiation of a laser beam. Takayama '210 and Shimoda do not teach or suggest a metal oxide layer formed by a laser beam.

It is respectfully submitted that the claims of the present application are not a timewise extension of the invention as claimed in the Takayama '210 application, either alone or in combination with Shimoda. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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